

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9173

IN THE MATTER OF:

Served December 9, 2005

JOHN Y. NGWAFON, Trading as)
MUNGAI'S HEALTH TRANSPORTATION,)
Suspension and Investigation of)
Revocation of Certificate)
No. 863)

Case No. MP-2004-208

This matter is before the Commission on respondent's failure to respond to Order No. 8843, served July 22, 2005, which gave respondent thirty days to show cause why the Commission should not revoke Certificate No. 863 for respondent's willful failure to comply with Commission Rule No. 28, Commission Regulation No. 58 and Commission Order No. 8496.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 863 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 863 became invalid on November 24, 2004, when the \$1.5 million WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8431, served November 24, 2004, noted the automatic suspension of Certificate No. 863 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 863, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 863. Respondent submitted a \$1.5 million replacement endorsement on December 7, 2004. The effective date of the new endorsement is December 1, 2004. This means that respondent was without insurance coverage for seven days, from November 24, 2004, through November 30, 2004.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

No. 863 as directed by Order No. 8431. Order No. 8496, served January 10, 2005, accordingly gave respondent thirty days to furnish proof that respondent ceased operations as of November 24, 2004. Respondent failed to respond to Order No. 8496, and Order No. 8843 accordingly directed applicant to show cause why the Commission should not revoke Certificate No. 863 for respondent's willful failure to comply with Commission Rule No. 28, Commission Regulation No. 58 and Commission Order No. 8496.

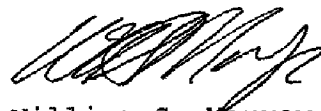
The record shows that respondent received a copy of Order No. 8843 on July 28, 2005. But respondent has yet to file anything in response. In addition, the replacement endorsement has been cancelled since March 11, 2005, and respondent has yet to pay the \$100 annual fee for 2005³ and file its annual report for 2004.⁴

Certificate No. 863 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Commission Rule No. 28, Commission Regulation No. 58 and Commission Order No. 8496; provided, that the unpaid \$100 annual fee for 2005 shall remain due and payable; and further provided, that the unfiled 2004 annual report also shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 863 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
 - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
 - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
 - c. surrender Certificate No. 863 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:



William S. Morrow, Jr.
Executive Director

³ See Regulation No. 67; Order No. 3601 (2005 annual fee due on or before January 31, 2005).

⁴ See Regulation No. 60-01; Notice dated Jan. 7, 2005 (2004 annual report due Jan. 31, 2005).